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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 332]

भोपाल, गुरुवार, दिनांक 12 अगस्त 2021—श्रावण 21, शक 1943

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 12 अगस्त 2021

क्र. 10072-237-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिक विधि (संशोधन) विधेयक, 2021 (क्रमांक 24 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अतिरिक्त सचिव.

## MADHYA PRADESH BILL

No. 24 of 2021

**MADHYA PRADESH NAGARPALIK VIDHI (SANSHODHAN) VIDHEYAK, 2021**

**A Bill further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.**

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows:—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhiniyam, 2021.

**PART I**

**AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT,  
1956 (NO. 23 OF 1956)**

Amendment to  
the Madhya  
Pradesh Act No.  
23 of 1956.

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In Section 5,—

(i) for clause (10-a) the following clause shall be substituted, namely :—

"(10-a) "Colonizer" means a person, who is registered as Colonizer by the Competent Authority under the Act;"

(ii) for clause (10-b), the following clause shall be substituted, namely :—

"(10-b) "Colony" means a land parcel which is developed or is under development, either by dividing it into plots or constructing apartments on it, for residential, or non-residential purpose or both with intent to transfer by sale or otherwise;"

(iii) the existing clause (57-a) shall be renumbered as clause (57-b) and before so renumbered clause (57-b), the following clause shall be inserted, namely :—

"(57-a) "unauthorised colony" means a colony which is developed or is under development without obtaining necessary permission under the provisions of this Act;"

(2) For Section 80, the following Section shall be substituted, namely :—

Disposal of  
immovable or  
movable  
property.

"80. No immovable or movable property owned by or vested in or under the management of the Corporation shall be sold, leased, transferred, or otherwise disposed, save as prescribed by the State Government."

(3) Section 81-A shall be deleted.

(4) For Section 292-A, the following Section shall be substituted, namely :—

Registration as a  
colonizer .

"292-A. (1) The State Government shall designate a competent authority for registration of a person as a colonizer.

- (2) An application for registration shall be made to the competent authority in such manner as may be prescribed by the State Government:

Provided that the State Government may, by notification, exempt such Government entity, as it deems appropriate, from the registration as Colonizer.

- (3) The Competent Authority may suspend or cancel the registration of the colonizer for violation of such terms and conditions, as may be prescribed by the State Government:

Provided that no such action shall be taken without giving an opportunity of hearing to the colonizer in such manner as may be prescribed.

- (4) An appeal against an order of cancellation or suspension issued under sub-section (3), may be filed before such Authority, as may be prescribed by the State Government."

- (5) For Section 292-B, the following Section shall be substituted, namely :—

**"292-B.** (1) A colonizer shall obtain the permission to develop a colony from the Commissioner in such manner as may be prescribed by the State Government:

Permission to develop colonies.

Provided that no application to develop a colony shall be rejected unless the applicant has been given an opportunity of hearing:

Provided further that the appeal against the order of the Commissioner for refusal to grant permission shall lie with such Authority as may be prescribed by the State Government.

- (2) (a) The colonizer, shall also provide fully developed plots or constructed dwelling units for the persons belonging to economically weaker section and low-income group.
- (b) The size, number and location of such plots or dwelling units shall be such as may be prescribed by the State Government.
- (c) The sale price of such plots or dwelling units and the process of selection of the persons to whom those may be sold by the colonizer shall be such as may be prescribed by the State Government.
- (3) Notwithstanding anything contained in this Act, in addition to or in lieu of the plots or dwelling units mentioned in sub-section (2), the State Government may, in such cases as it may consider appropriate, impose a fee to be called the shelter fee. The shelter fee shall be determined, collected and utilized in such manner as may be prescribed.
- (4) The colonizer shall provide civic infrastructure like roads, open space, water supply, electricity, sewerage and recreational area in accordance with the permission granted under sub-section (1) above.
- (5) The colonizer shall submit a bank guarantee or mortgage such number of plots or buildings, as the case may be, against cost of development as mentioned in sub-section (4). Such bank guarantee or the properties mortgaged shall be released in such manner as may be prescribed by the State Government.

- (6) The colonizer shall display correct information for public at large about the colony in the prescribed manner.
- (7) The colonizer shall comply with the terms and conditions of the development permission granted under sub-section (1).
- (8) On completion of the development, the Commissioner shall issue a completion certificate in a manner as prescribed by the State Government.
- (9) The provisions of this section, except sub-section (5), shall be applicable to the entities mentioned in proviso of sub-section (2) of section 292-A with such modifications as may be prescribed by the State Government."

(6) After Section 292-B, the following Section shall be added, namely :—

**Action against violation of permission.**

**"292-BA.** The Commissioner may, encash the bank guarantee or forfeit and dispose of the properties mortgaged under sub-section (5) of Section 292-B to such extent, as may be required, if the terms and conditions of permission granted under sub-section (1) of Section 292-B are violated, in manner as prescribed by the State Government. The amount so recovered shall be utilized to fulfil the terms and conditions of the permission in such manner, as may be prescribed:

Provided that in case the amount recovered from disposal of forfeited properties or encashment if bank guarantee does not meet requirement to fulfil the terms and conditions of permission, the balance amount shall be recoverable from the colonizer as the arrears of land revenue:

Provided further that no such action shall be taken without giving opportunity of hearing to the colonizer in such manner as may be prescribed."

(7) For Section 292-C, the following Section shall be substituted namely:—

**Offences and punishment.**

**"292-C.** (1) The land-owner or person or both, as the case may be, who undertakes the development of a colony without obtaining the permission under the provisions of this Act and rules made thereunder, commits the offence of developing an unauthorized colony.

- (2) Any colonizer who transfers by sale or otherwise any land designated for purpose mentioned in sub-section (4) of Section 292-B or undertakes construction other than that permissible on such land commits the offence of violating the permission.
- (3) The offences under sub-sections (1) and (2) shall be cognizable but no enquiry or inquiry or investigation shall be carried out except on a written complaint by the Commissioner or an officer authorized by him in this regard.
- (4) Whosoever commits or abets the commission of an offence mentioned under sub-sections (1) and (2) shall be punished with imprisonment which shall not be less than three years but which may extend up to seven years and with fine which may extend up to ten lakhs rupees."

(8) For Section 292-D the following Section shall be substituted, namely:—

- “292-D.** (1) The Commissioner on receipt of any information or otherwise, may identify an unauthorized colony. **Provision of civic infrastructure in unauthorized colonies.**
- (2) The Commissioner shall issue public notice, inviting objections against determining such colony as unauthorized colony.
- (3) The Commissioner shall, after considering objections received if any, may declare any colony as an unauthorized colony stating reasons thereof.
- (4) The Commissioner shall prepare a draft layout of such colony and publish a public notice inviting objections and suggestions, in such manner as may be prescribed, from the stakeholders for finalizing the lay out for the purpose of providing civic infrastructure in the unauthorized colony.
- (5) No action under sub-section (1) to (4) shall be taken if the unauthorized colony,-
- (a) has been developed on Government land or the land of the Development Authority/Housing and Infrastructure Development Board/urban local bodies;
  - (b) is situated on area designated as road, parks, playgrounds, areas of cultural heritage, river, area of drains, recreational areas and water bodies in the development plan;
  - (c) has been developed on land falling in restricted areas along State and National Highways or any other such restricted area notified under any Central or State law;
  - (d) is in such area as may be notified by the State Government.
- (6) The draft layout under sub-section (4) shall be prepared in the best possible compliance of provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) and the rules made thereunder.
- (7) The Commissioner shall hear the stakeholders of the colony and after considering the objections and suggestions, finalize the lay out and estimates for providing civic infrastructure in the unauthorized colony, in such manner as may be prescribed by the State Government:

Provided that such notification shall be issued only after written complaint has been made by the Commissioner under sub-section (3) of Section 292-C.

- (8) The Commissioner shall be authorized to determine and collect development charges from the stakeholders in such manner as may be prescribed by the State Government:

Provided that the cost of providing civic infrastructure may also be met out of the funds available with the Corporation or as may be prescribed by the State Government.

- (9) The Commissioner may identify and attach the properties of the person who has committed offence under sub-sections(1) and (2) of Section 292-C, whether such property is situated in the colony or anywhere outside. The Properties so attached shall be disposed to meet the cost of development of civic infrastructure. The Manner of attachment and sale thereof shall be such as may be prescribed by the State Government:

Provided that appeal against such order may be filed before such Authority as may be prescribed by the State Government.”.

- (9) Section 292-DA shall be deleted;
- (10) For section 292-E, the following Section shall be substituted, namely :—

**Regularization of layout and building permission in unauthorized colonies.**

**"292-E.** (1) Notwithstanding anything contained in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the rules made thereunder, the layout of the colony under Section 292-D, shall be deemed to be in accordance with the applicable development plan.

- (2) The owner of the plot or the house, as the case may be, shall on fulfilment of the conditions, as prescribed for such a colony, be eligible to apply for permission of erection, re-erection or compounding of building.”.

- (11) Section 292-F shall be deleted.

- (12) For Section 292-G, the following Section shall be substituted, namely :—

**Punishment for not taking action against development of unauthorized colony.**

**"292-G.** Any officer or servant subordinate to the Commissioner who has been authorised by him either to inspect, report, stop or to remove any construction in unauthorized colony knowingly omits to take action against development of such unauthorized colony or construction therein, forthwith or a police officer responsible to provide police assistance for removal of unauthorized colony or unauthorized construction therein, does not provide adequate protection and support, shall be punished with a simple imprisonment which may extend to three years or with fine which may extend to ten thousand rupees or with both:

Provided that no enquiry or inquiry or investigation shall be carried out by a Police Officer under this Section except on a written complaint by the Commissioner in this regard.”.

- (13) For Section 308-A, the following Section shall be substituted, namely:—

**Compounding of offences of construction of buildings without permission or contrary to permission.**

**“308-A.** (1) Notwithstanding anything contained in this Act or any other Act for the time being in force or any rules or bye-laws made thereunder, the Commissioner may compound the offence of constructing buildings without permission or contrary to the permission granted, if such construction does not,—

- (a) affect the regular building line;
- (b) come within the area notified by the State Government as a hill station or a place of tourist importance or sensitive from the point of ecology;

- (c) come within the area specified for parking of vehicles;
- (d) come within the boundary of roads or within the area affecting alignment of public roads;
- (e) come within the area specified for water bodies;
- (f) come within thirty meters or such further distance from the bank of river, as may be specified in the master plan of the concerned town;
- (g) come within the area of any nallah and water stream;
- (h) affect the structural and fire safety:

Provided that in compounding the cases in respect of unauthorized construction, including the unauthorized constructions in the unauthorized colonies, the fee shall be charged at such rate and on such conditions, as may be prescribed by the State Government:

Provided further that no person who does not have any right over the building or the land on which the construction has been made shall make an application for compounding.

(2) The unauthorized construction, including that made in the marginal open spaces, in excess of the prescribed floor area ratio, up to a limit of 30 percent shall be compoundable.”.

## PART II

### AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961

(No. 37 of 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—(1) In Section 3,—

**Amendment to  
the Madhya  
Pradesh Act  
No. 37 of 1961.**

(i) for clause (5-b), the following clause shall be substituted, namely:—

“(5-b) “colonizer” means a person, who is registered as Colonizer by the Competent Authority under the Act;”;

(ii) For clause (5-c), the following clause shall be substituted, namely:—

“(5-c) “Colony” means a land parcel which is developed or is under development, either by dividing it into plots or constructing apartments on it, for residential, or non-residential purpose or both with intent to transfer by sale or otherwise;”;

(iii) the existing clause (37-a) shall be renumbered as clause (37-b) and before so renumbered clause (37-b), the following clause shall be inserted, namely:—

“(37-a) “unauthorized colony” means a colony which is developed or is under development without obtaining necessary permission under the provisions of this Act;”.

(2) Section 101 shall be deleted.

(3) For Section 109, the following section shall be substituted, namely:—

**Disposal of immovable or movable property.**

“109. No immovable or movable property owned by or vested in or under the management of the Council shall be sold, leased, transferred, or otherwise disposed, save as prescribed by the State Government.”.

(4) For Section 187-A, the following Section shall be substituted, namely:—

**Compounding of offences of construction of buildings without permission or contrary to permission.**

“187-A.(1) Notwithstanding anything contained in this Act or any other Act for the time being in force or any rules or bye-laws made thereunder, the Competent Authority may compound the offence of constructing buildings without permission or contrary to the permission granted, if such construction does not,—

- (a) affect the regular building line;
- (b) come within the area notified by the State Government as a hill station or a place of tourist importance or sensitive from the point of ecology;
- (c) come within the area specified for parking of vehicles;
- (d) come within the boundary of roads or within the area affecting alignment or public roads;
- (e) come within the area specified for water bodies;
- (f) come within thirty meters or such further distance from the bank of river, as may be specified in the master plan of the concerned town;
- (g) come within the area of any nallah and water stream;
- (h) affect the structural and fire safety:

Provided that in compounding, the cases in respect of unauthorized construction, including the unauthorized constructions in the unauthorized colonies, the fee shall be charged at such rate and on such conditions, as may be prescribed by the State Government:

Provided further that no person who does not have any right over the building or the land on which the construction has been made shall make an application for compounding.

(2) The unauthorized construction, including which is made in the marginal open space, in excess of the prescribed floor area ratio, up to a limit of 30 percent shall be compoundable.”.

(5) For Section 339-A, the following Section shall be substituted, namely:—

**Registration as colonizer.**

“339-A. (1) The State Government shall designate a competent authority for registration of a person as a colonizer.

(2) An application for registration shall be made to the Competent Authority in such manner, as may be prescribed by the State Government:

Provided that the State Government may, by notification, exempt such Government entity, as it deems appropriate, from the registration as colonizer.

(3) The Competent Authority may suspend or cancel the registration of the colonizer for violation of such terms and condition as may be prescribed by the State Government:

Provided that no action of suspension or cancellation shall be taken without giving an opportunity of hearing to the colonizer in such manner as may be prescribed.



(4) An appeal against an order of cancellation or suspension issued under sub-section (3), may be filed before such Authority as may be prescribed by the State Government.

(6) For Section 339-B, the following Section shall be substituted, namely:-

**“339-B.** (1) A Colonizer shall obtain the permission to develop a colony from the Competent Authority in such manner as may be prescribed by the State Government:

Permission to develop colonies.

Provided that no application to develop a colony shall be rejected unless the applicant has been given an opportunity of hearing:

Provided further that appeal against the order of the Competent Authority for refusal to grant permission shall lie with such Authority as may be prescribed by the State Government.

(2) (a) The Colonizer shall also provide fully developed plots or constructed dwelling units for the persons belonging to economically weaker Section and low-income group.

(b) The Size, number and location of such plots or dwelling units shall be such as may be prescribed by the State Government.

(c) The Sale price of such plots or dwelling units and the process of selection of the persons to whom they may be sold by the Colonizer shall be such as may be prescribed by the State Government.

(3) Notwithstanding anything contained in this act, in addition to or in lieu of the plots or dwelling units mentioned in sub-section (2), the State Government may, in such cases, as it may consider appropriate, impose a fee to be called the shelter fee. The shelter fee shall be determined, collected and utilized in such manner as may be prescribed.

(4) The Colonizer shall provide civic infrastructure like roads, open space, water supply, electricity, sewerage and recreational area in accordance with the permission granted under sub-section (1) above.

(5) The Colonizer shall submit a bank guarantee or mortgage such number of plots or buildings, as the case may be, against cost of development as mentioned in sub-section (4). Such bank guarantee or the properties mortgaged shall be released in manner as may be prescribed by the State Government.

(6) The Colonizer shall display correct information for public at large about the colony in the prescribed manner.

(7) The Colonizer shall comply with the terms and conditions of the development permission granted under sub-section (1).

(8) On Completion of the development, the Competent Authority shall issue a completion certificate in a manner as prescribed by the State Government.

(9) The provisions of this Section except sub-section (5) shall be applicable to the entities mentioned in proviso to sub-section (2) of Section 339-A with such modifications as may be prescribed.”.

(7) After Section 339-B, the following Section shall be added, namely:—

**“339-BA.** The Competent Authority may, encash the Bank Guarantee or forfeit and dispose of the properties mortgaged under sub-section (5) of Section 339-B to such extent, as may be required, if the terms and conditions of permission granted under sub-section (1) of Section 339-B are violated, in manner prescribed by the State Government. The amount so recovered shall be utilized to fulfil the terms and conditions of the permission in such manner, as may be prescribed:

Action against violation of permission.

Provided that in case the amount so recovered from disposal of forfeited properties or encashment of bank guarantee does not meet requirement to fulfil the terms and conditions of permission, the balance amount shall be recoverable from the colonizer, as the arrears of land revenue:

Provided further that no such action shall be taken without giving opportunity of hearing to the colonizer in such manner as may be prescribed.”.

(8) For Section 339-C, the following Section shall be substituted, namely:—

**Offences and punishment.**

**“339-C.** (1) The Land-Owner or person, or both, as the case may be, who undertakes the development of a colony without obtaining the permission under the provisions of this Act and rules made thereunder, commits the offence of developing an unauthorized colony.

(2) Any colonizer who transfers by sale or otherwise any land designated for purpose mentioned in sub-section (4) of Section 339-B or undertakes construction other than permissible on such land commits the offence of violating the permission.

(3) The offences under sub-section (1) and (2) shall be cognizable but no enquiry or inquiry or investigation shall be carried out except on a written complaint by the Competent Authority or an officer authorized by him in this regard.

(4) Whosoever commits or abets the commission of an offence mentioned under sub-sections (1) and (2) shall be punished with imprisonment which shall not be less than three years but which may extend up to seven years and with fine which may extend up to ten lakh rupees.”.

(9) For Section 339-D, the following section shall be substituted, namely:-

**Provision of civic infrastructure in unauthorized colonies.**

**“339-D.** (1) The Competent Authority on receipt of any information or otherwise, may identify an unauthorized colony.

(2) The Competent Authority shall issue public notice, inviting objections against determining such colony as unauthorized colony.

(3) The Competent Authority shall, after considering objections received if any, may declare any colony as an unauthorized colony stating reasons thereof.

(4) The Competent Authority shall prepare a draft layout of such colony and publish a public notice inviting objections and suggestions, in such manner as may be prescribed, from the stakeholders for finalizing the layout for the purpose of providing civic infrastructure in the unauthorized colony.

(5) No action under sub-section (1) to (4) shall be taken if the unauthorized colony,-

(i) has been developed on Government land or the land of the Development Authority/Housing and infrastructure Development Board/urban local bodies;

(ii) is situated on area designated as road, parks, playgrounds, areas of cultural heritage, river, area of drains, recreational areas and water bodies in the development plan;

(iii) has been developed on land falling in restricted areas along State and National Highways or any other such restricted area notified under any Central or State Law;

(iv) is in such areas as may be notified by the State Government.

(6) The draft lay out under sub-section (4) shall be prepared in the best possible compliance of provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No.23 of 1973) and the rules made thereunder.

(7) The Competent Authority shall hear the stakeholders of the colony and after considering the objections and suggestions,

Finalize the lay out and estimates for providing civic infrastructure in the unauthorized colony, in such manner as may be prescribed by the State Government:

Provided that such notification shall be issued only after written complaint has been made by the competent Authority under sub-section (3) of Section 339-C.

(8) The Competent Authority shall be authorized to determine and collect development charges from the stakeholders in such manner as may be prescribed by the State Government:

Provided that the cost of providing civic infrastructure may also be met out of the funds available with the Council or as may be prescribed by the State Government:

(9) The Competent Authority may identify and attach the properties of the persons who has committed offence under sub-sections (1) and (2) of Sections 339-C, whether such property is situated in the colony or anywhere outside. The properties so attached shall be disposed to meet the cost of development of civic infrastructure. The manner of attachment and sale thereof shall be such as may be prescribed by the State Government:

Provided that the appeal against such order may be filed before such Authority as may be prescribed by the State Government.”.

(10) Sections 339-DA shall be deleted.

(11) For Section 339-E, the following Section shall be substituted namely:-

**“339-E.** (1) Notwithstanding anything contained in the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and the rules made thereunder, the layout of the colony under Section 339-D shall be deemed to be in accordance with the applicable development plan.

Regularization of layout and building permission in unauthorized colonies.

(2) The owner of the plot or the house, as the case may be, shall on fulfillment of the conditions, as prescribed for such a colony, be eligible to apply for permission of erection, re-erection or compounding of building.”.

(12) Section 339-F shall be deleted.

(13) For Section 339-G, the following Section shall be substituted, namely:—

**“339-G.** Any officer or Government servant subordinate to the competent Authority who has been authorised by him either to inspect, report, stop or to remove any construction in unauthorized colony knowingly omits to take action against development of such unauthorized colony or construction therein, forthwith or a police officer responsible to provide police assistance for removal of unauthorized colony or unauthorized construction therein, does not provide adequate protection and support, shall be punished with a simple imprisonment which may extend to Three years or with fine which may extend to ten thousand rupees or with both:

Punishment for not taking action against development of unauthorized colony.

Provided that no enquiry or inquiry or investigation shall be carried out by a Police Officer under this section except on a written complaint by the Competent Authority in this regard.”.

**Repeal and saving.**

4. (1) The Madhya Pradesh Nagarpalika Vidhi (Sanshodhan) Adhyadesh, 2021 (No. 13 of 2021) is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### STATEMENT OF OBJECTS AND REASONS

The State Government had issued a scheme to regularize the unauthorised colonies and constructions made on the plots upto dated 31.06.1998 by inserting rule 15-A in the Madhya Pradesh Nargarpalika (Registration of Colonizer, Terms and Conditions) Rules, 1998 vide Notification in the Madhya Pradesh Gazette (Extraordinary) dated 21.09.1998, giving relaxation in rules and regulations on payment of compounding fee as fixed by the Government, where the title deed vests with the plot holders, who constructed buildings in those colonies.

2. The State Government had extended the time limit of scheme by publishing Notifications in the Madhya Pradesh Gazette (Extraordinary) on dated 31.01.2003, 03.09.2013 and 19.05.2017 upto 30.06.2002, 31.12.2012 and 31.12.2016 respectively and it was ordered in the said rule that unauthorised colonies situated in development plan roads, parks, playgrounds, areas to cultural heritages, river, tank or area of drains, green belt or recreation shall not be regularised. Under rule 15-A, primarily 6876 unauthorised colonies were published for regularization and vide final Notification 5007 colonies have been regularised and taken under possession by urban local bodies after receiving fee and compounding fee as per rules, but meanwhile, the High Court of Madhya Pradesh passed an order in Writ Petition No. 10414 of 2018 on dated 03.06.2019, which is reproduced herein below:-

"Consequently, on declaration of rule 15A of 1998 Rules as ultra vires, the substantive provisions of the Act, all actions taken thereon are declared illegal. The Commissioner, Municipal Corporation and the Competent Authority of respective Municipalities are directed to initiate action under Section 292-E read with Section 292-DA of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and under Section 339-E read with section 339-DA of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961)."

3. Due to quashing of the aforesaid rule consequential action for the demolition of the unauthorised construction shall have to be taken up by the Government/local bodies. Demolition of thousands of buildings shall result in wasteful expenditure causing hardship to general public and such demolition may invite litigation from the public and involve huge expenditure from the State Exchequer. Before the rule was declared ultra vires the Government had regularised several unauthorised colonies and constructions as per rule 15-A and persons concerned have paid huge amounts. Thus, repayment of amounts already collected by bodies will hamper the developmental programmes of the local bodies in the State.

4. To avoid such hardship, huge financial expenditure and litigation, the Government has decided to make suitable amendments in the Municipal Acts to,—

- (i) define "unauthorised Colony";
- (ii) define of "Colony" more clear;
- (iii) simplify the process or registration of colonizer and permission to develop colony;
- (iv) make provisions for action against violations of the permission to develop a colony;
- (v) safeguard the land meant for civic infrastructure and common spaces from being sold or utilized otherwise, by making such action a cognizable offence;
- (vi) make penal provisions for committing offence of developing unauthorised colony more stringent;
- (vii) enable Government/local bodies to provide civic infrastructure in the unauthorized colonies;
- (viii) regulate building permissions and compounding unauthorised constructions in unauthorized colonies.

There is also a requirement of amendment in the provisions of compounding for regularization of construction more than the allowed Floor Area Ratio. Presently the provisions of compounding are restricted to 10% of Floor Area Ratio, which is required to increase from 10% to 30%. Therefore, it is proposed to make certain amendments in the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

5. As the matter was urgent and the Legislative Assembly was not in session, the Madhya Pradesh Nagarpalik Vidhi (Sanshodhan) Adhyadesh, 2021 (No. 13 of 2021) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature without any modification.

6. Hence this Bill.

Bhopal :

Dated the 2nd August, 2021.

BHUPENDRA SINGH

*Member-in-charge.*